



# How Land Use is Applied to Property: ZONING

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# What is zoning?

- Legal Definition: “Legislative action, usually at the municipal level, that divides municipalities into districts for the purpose of regulating the use of private property and the construction of buildings within the zones established. Zoning is said to be part of the state police power and therefore must be for the furthering of the health, morals, safety or general welfare of the community.”

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- Architects/Engineers Definition: “Local ordinances regulating the use and development of property by dividing the jurisdiction into land use districts or zones represented on a map and specifying the uses and development standards (e.g. maximum height of structures, minimum setbacks, minimum useable open space) within each zone.”
  - Financial Industry Definition: “Government laws that control the use of land within a jurisdiction.”



Definitions can be limiting, but all contain the following similar premises:

- Zoning is based on a comprehensive plan.
- Established to regulate the use and development of property.
- Promotes the public health, safety, comfort, morals and welfare of the area (IL Municipal Code).



In short, zoning is:

“The public regulation of land and building use to control the character of a place.”

*It's the plan.*



# Why zone?

- Provides a mechanism for communities to develop and implement a comprehensive plan.
- Completes a community inventory of the current uses or properties.
- Establishes guidelines for how property is currently being used and how it will be used in the future.
- Provides guidelines for what residents can and cannot do on their property.



# Practical Reasons to Zone:

- Ensures health, safety and welfare of property.
  - Uses – Air and sound quality, safety.
  - Fence heights – Property values of neighbors, air/light to adjoining properties, safety (pools).
  - Setbacks – Roads, utilities, sidewalks, traffic and pedestrian safety, access to properties.



# Resistance against zoning:

- Property owners believe that how they use their property and what they do on there is their business.
- Some feel that zoning regulations limit their rights.


Zoning is not designed to limit property owners' rights. Zoning protects the rights of property owners from adverse uses of neighboring properties and protects property values.






# How does a community zone?

- Complete a comprehensive plan that identifies the future use of property.
- Complete a “community inventory” of the current uses of property.
- Establish guidelines for how the properties that are not in accord with the comprehensive plan will be converted in the future.

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- Provide a system for property owners to request variances to use the property in a manner that is not in accordance with the plan or existing zoning regulations.
  - Provide a complaint process.

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- RPC completes staff analyses for the requests for zoning map amendments and/or variances for Sangamon County Zoning Board of Appeals and City of Springfield's Planning and Zoning Commission.